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Peters
2/6/03Express Mail No.: **EL 500 577 534 US****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: JIN et al.

Application No.: 09/161,122

Group Art Unit: ~~1642~~ ¹⁶⁴⁸

Filed: September 25, 1998

Examiner: ~~Brunback, B.~~ ^{Lucas}For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINES

Attorney Docket No.: 7682-045-999

SUPPLEMENTAL RESPONSEAssistant Commissioner for Patents
Washington, D.C. 20231**RECEIVED**

JAN 10 2003

TECH CENTER 1600/2900

Sir:

To supplement the Amendment filed by Applicants on September 5, 2002 ("Response") in connection with the above-identified application, please consider the Remarks below.

REMARKS

A Petition to Accept Unintentionally Delayed Claim for Priority under 37 C.F.R. § 1.78(a)(3) was submitted concurrently with the Response. This petition was dismissed by the Office of Petitions on December 3, 2002. The dismissal states that the provisions of 37 C.F.R. § 1.78(a)(3) do not apply because the present application was filed before November 29, 2000.

A continued prosecution application was filed on December 15, 2000. 37 C.F.R. § 1.78(a)(2)(i) exempts continued prosecution applications from further provisions of the rule. Thus, a petition to accept an unintentionally delayed claim under 37 C.F.R. § 1.78(a)(3) and the surcharge under 37 C.F.R. 1.17(t) are not required in a continued prosecution application in order to amend a claim to priority. Accordingly, the amended claim for priority submitted on September 5, 2002 should be made of record in the instant application.

No fee is believed to be due for the submission of the present Supplemental Response. Should any fee be required, however, please charge such fee to Pennie & Edmonds LLP deposit account no. 16-1150.

Respectfully submitted,

by *Jacqueline Penn*
Reg No. 43,492

Date January 8, 2003

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090